

PATENT Attorney Docket No. 1025-0138

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Akira Shinjo) hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Serial No.: 10/018,962) Commissioner for Patents) Washington, D.C. 20231 on:
Filed: December 21, 2004) DATE: June 22, 2005
Examiner:) NAME: <u>Debra A. Howe</u>
Art Unit: 3732	SIGNATURE: <u>Debla Dowe</u>
For: INTRAMEDULLARY NATL	,

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, as revised on February 4, 1992, 1135 OG 23-24, Applicants hereby call the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application.

No inference should be drawn that any apparatus disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in

existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicants also respectfully reserve the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Accordingly, it is believed that no fee under 37 CFR 1.97(c) is required.

If it is determined that any additional fee is required for this Information Disclosure Statement, please charge our Deposit Account No. 50/1039.

Respectfully submitted,

James S. Pristelski

Registration No. 27,222

COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER, LTD. 200 West Adams Street - #2850 Chicago, IL 60606 (312) 236-8500

PTO/SB/08A (04-03)

Approved for use through 04/30/2003. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

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9/PTO		Complete if Known		
	Application Number	10/018,962		
TION DISCLOSURE	Filing Date	12/21/2004		
	First Named Inventor	Akira Shinjo		
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Examiner Initials*	Cite No.1	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevan
		Number-Kind Code ^{2 (I known)}			Figures Appear
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Cite No. ¹	Foreign Patent Document	Publication	Name of Patentee or	Pages, Columns, Lines,	
	Country Code ³ Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY	Topicant of Oned Boodinent	Or Relevant Figures Appear	T⁵
1	WO 03/061495 A2	07-31-2003	Disc-o-tech Medical Tech.		
2	WO 03/094763 A1	11-20-2003	Tantum AG		
3	EP 1 175 872 A2	01-30-2002	KOI Inc.		1
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	No. ¹	No.¹ Country Code³-Number⁴-Kind Code⁵ (# known) 1 WO 03/061495 A2 2 WO 03/094763 A1	No.¹ Date MM-DD-YYYY 1 WO 03/061495 A2 07-31-2003 2 WO 03/094763 A1 11-20-2003	No.¹ Date MM-DD-YYYY Applicant of Cited Document 1 WO 03/061495 A2 07-31-2003 Disc-o-tech Medical Tech. 2 WO 03/094763 A1 11-20-2003 Tantum AG	No. 1 Date MM-DD-YYYY Mo 03/061495 A2 Date MM-DD-YYYY Applicant of Cited Document No. 1 Date MM-DD-YYYY Applicant of Cited Document Or Relevant Passages Or Relevant Figures Appear Date MM-DD-YYYY Applicant of Cited Document Or Relevant Passages Or Relevant Figures Appear Tantum AG

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Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

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Applicant is to place a check mark here if English language Translation is attached.

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Substitute	e for form 144	19/210			Application Number	10/018,962	
INFO	DRMA1	TION D	ISCL	.OSURE	Filing Date	12/21/2004	
STATEMENT BY APPLICANT		First Named Inventor	Akira Shinjo				
					Art Unit	3732	
(Use as many sheets as necessary)		Examiner Name					
Sheet	2	of	f	2	Attorney Docket Number	1025-0138	
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Examiner	Cite	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of	0
Initials*	No. ¹	the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
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